

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 09-CR-481
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225 Cadman Plaza East
v. : Brooklyn, New York
:
THOMAS COFFIN and THOMAS FETTER, : July 27, 2009
:
Defendants. :
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: MONICA RYAN, ESQ.

For Defendant/Coffin: ALFREDO MENDEZ, ESQ.

For Defendant/Fetter: JOHN MULLADY, ESQ.

Court Transcriber: SHARI RIEMER
TypeWrite Word Processing Service
211 N. Milton Road
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 (Proceedings began at 11:13 a.m.)

2 THE CLERK: Can we have Mr. James Coffin and Thomas
3 Fetter?

4 Criminal Cause for Arraignment, USA v. James Coffin
5 and Thomas Fetter, 09-CR-481.

6 MS. RYAN: Monica Ryan for the United States.

7 MR. MENDEZ: Good morning, Your Honor. For Mr.
8 Coffin, Alfredo Mendez.

9 THE COURT: Good morning.

10 MR. MULLADY: Good morning, Your Honor. For defendant
11 Thomas Fetter, John Mullady, 57 Hennett Road, Valatie, New
12 York.

13 THE COURT: Good morning. I'm going to ask each
14 defendant just to say his name since there are two of you here.

15 DEFENDANT FETTER: Tom Fetter.

16 DEFENDANT COFFIN: James Coffin.

17 THE COURT: So this is on for both an arraignment on
18 an indictment and an order of excludable delay. Would -- let
19 me speak to counsel first.

20 Are you both satisfied that your clients understand
21 the charges in the indictment?

22 MR. MENDEZ: Yes, Your Honor, he does.

23 MR. MULLADY: Yes, I am.

24 THE COURT: As to Mr. Coffin and Mr. Fetter, do you
25 each understand the charges in the indictment?

1 DEFENDANT COFFIN: Yes, Your Honor.

2 DEFENDANT FETTER: Yes.

3 THE COURT: Would anyone like me to read the
4 indictment publicly?

5 MR. MENDEZ: We waive the public reading, Your Honor.

6 MR. MULLADY: We also waive.

7 THE COURT: How does Mr. Coffin plead?

8 MR. MENDEZ: He pleads not guilty.

9 THE COURT: Mr. Fetter?

10 MR. MULLADY: He pleads not guilty.

11 THE COURT: Now, has each one of you explained to Mr.
12 Fetter and Mr. Coffin respectively what it means to exclude
13 time?

14 MR. MENDEZ: Yes, Your Honor. As a matter of fact,
15 this is also a case where there had been previous orders of
16 exclusion, at least three prior orders of exclusion. I have
17 explained to Mr. Coffin each and every time and this morning
18 again I explained it to him again.

19 THE COURT: Are you satisfied that his consent is
20 knowing and voluntary?

21 MR. MENDEZ: Yes, Your Honor, I am.

22 THE COURT: As to Mr. Fetter.

23 MR. MULLADY: Similar circumstances. Prior exclusions
24 and I'm satisfied he understands the nature and [inaudible].

25 THE COURT: Then I'll just repeat this for both Mr.

1 Fetter and Mr. Coffin. The exclusion is from July 27th through
2 August 26th. That means that the clock would be stopped on the
3 speedy trial right, that that time would not be counted against
4 the Government in deciding when your trial starts. That would
5 give you more time to negotiate if that's what you wish. Is
6 each one of you making a knowing and voluntary agreement?

7 DEFENDANT COFFIN: Yes, Your Honor.

8 DEFENDANT FETTER: Yes, Your Honor.

9 THE COURT: Did you sign this form?

10 DEFENDANT COFFIN: Yes, Your Honor.

11 DEFENDANT FETTER: Yes, Your Honor.

12 THE COURT: The application is granted.

13 Anything else?

14 MS. RYAN: No. Thank you.

15 MR. MENDEZ: I understand August 26th, two p.m., Your
16 Honor, in front of Judge Ross?

17 THE COURT: Yes.

18 MR. MENDEZ: Thank you.

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1 I certify that the foregoing is a court transcript from an
2 electronic sound recording of the proceedings in the above-
3 entitled matter.

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5 _____
6 Shari Riemer

7 Dated: August 6, 2009
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